

**MINUTES OF THE MEETING OF THE BOARD OF PUBLIC WORKS & SAFETY
VALPARAISO, INDIANA
April 9, 2021**

The Board of Public Works & Safety of Valparaiso, Indiana met April 9, 2021 at 10:00 a.m. in City Hall. Present were Mayor Murphy and Steve Poulos. Holly Howe was absent. Mayor Murphy called the meeting to order and led the Pledge of Allegiance.

Motion: Steve Poulos moved that the minutes of the March 12, 2021 and March 19, 2021 meetings be approved, seconded by Mayor Murphy and so approved with a 2-0 vote.

Motion: Steve Poulos moved that the claims for March 26, 2021 and April 9, 2021 be approved for payment subject to appropriation balances, seconded by Mayor Murphy and so approved with a 2-0 vote.

Comcast Underground Cable Installation 3032 N. Calumet and 702 Indiana

Mike Jabo presented Comcast Site Work Applications for 3032 N. Calumet and 702 Indiana. The Engineering Department has reviewed and recommends approval.

Motion: Steve Poulos moved to approve Comcast's Site Work Applications for 3032 N. Calumet and 702 Indiana, seconded by Mayor Murphy and so approved with a 2-0 vote.

Legal Services Agreement with Blachly Tabor Bozik and Hartman

Attorney Patrick Lyp presented a Legal Services Agreement with Blachly Tabor Bozik and Hartman for legal services, counsel, consultation and advice on matters related to the functioning and operation of Valparaiso Plan Commission and the Board of Zoning Appeals. Attorney Lyp has reviewed and will be making some changes.

Motion: Steve Poulos moved to approve the Legal Services Agreement with Blachly Tabor Bozik and Hartman subject to changes made by Attorney Lyp, seconded by Mayor Murphy and so approved with a 2-0 vote.

Letter of Credit – Brooks Development

Attorney Patrick Lyp presented a Letter of Credit with Centier Bank for The Brooks at Vale Park Planned Unit Development in the amount of \$3,000,000.00. He has reviewed the Letter of Credit and recommends approval.

Motion: Steve Poulos moved to approve the Letter of Credit for Brooks Development from Centier Bank in the amount of \$3,000,000.00, seconded by Mayor Murphy and so approved with a 2-0 vote.

Sierra Homeowners Association Encroachment into City Right-Of-Way

Attorney Patrick Lyp requested approval of an Encroachment into City Right-of-Way with Sierra Homeowners Association. Sierra owns two common area lots at the two entrances of the subdivision. Both lots have a sign on them that encroach into City dedicated right-of-way. They have applied for a sign permit to refurbish the signs and have asked the City to approve the Encroachments. Attorney Lyp has reviewed the Agreement and recommends approval.

Motion: Steve Poulos moved to approve the Approval of Encroachment into City Right-of-Way with Sierra Homeowners Association, seconded by Mayor Murphy and so approved with a 2-0 vote.

Section 5307 Fund Conveyance Agreement

Don Lorenz requested approval of a Section 5307 Fund Conveyance Agreement. This gives notice to NIRPC that the City has used all of the CARES fund money and are going back to the original Grant for the Dash expansion and the South Shore Connect FTA reimbursements.

Motion: Steve Poulos moved to approve the Section 5307 Fund Conveyance Agreement, seconded by Mayor Murphy and so approved with a 2-0 vote.

Capital Asset Policy

Clerk-Treasurer Taylor requested approval of an Updated Capital Asset Policy. The threshold has been raised from \$5,000 to \$25,000. It is still recommended that all vehicles, land and rights-of-way be capitalized regardless of the cost.

Motion: Steve Poulos moved to approve the updated Capital Asset Policy, seconded by Mayor Murphy and so approved with a 2-0 vote.

Calkins' Hill Draw 3

Brandon Dickinson requested approval of Draw #3 in the amount of \$258,309.29. The Redevelopment Commission has approved this Draw request.

Motion: Steve Poulos moved to approve Draw #3 for Calkins' Hill in the amount of \$258,309.29, seconded by Mayor Murphy and so approved with a 2-0 vote.

Unsafe Building – 501 Indiana Avenue

Attorney Alfredo Estrada presented the status of this building. He stated there is a new owner. Some progress has been made. Attorney Estrada has received a letter from an engineer stating the house is salvageable. Mark Hutnick addressed the Board. He has been trying for one and one-half years to purchase this property. There are title issues that have slowed down the sale. When the Order of Demolition was filed, the owner Quit Claimed the property to him. He has contractors ready to start working on the house. He anticipates spending around \$55,000 to fix the structure.

Attorney Estrada recommends keeping the Order of Demolition on the docket and have Mark Hutnick give a monthly report at the Board of Works meeting.

Attorney Lyp stated the City has incurred fees in the approximate amount of \$1,500 to \$2,000. He asked if the new owner was agreeable to reimburse the City for these expenses. Mark Hutnick replied he would do so.

Motion: Steve Poulos moved to leave the Order of Demolition on the docket but not act on it contingent on the owner obtaining required permits, reimburse the City for fees incurred to date and providing monthly reports to the City, seconded by Mayor Murphy and so approved with a 2-0 vote.

Aldon Engstrom of 503 Indiana addressed the Board. He has had an issue with the encroachment of the garage on his property. He is concerned the owner will not work with him and would like some assurance that the encroachment issue will be fixed. Mayor Murphy replied this matter will be on the Board of Works Agenda every month until it is done. He can come to each meeting to see what progress is being made. Mark Hutnick stated he will work with Mr. Engstrom to come up with a mutually agreeable solution. Attorney Patrick Lyp stated that property lines are a private matter.

Target Solutions Training Platform Agreement

Steve Poulos requested approval to enter into a contract with Target Solutions Learning. This will put the Safety Training for the City under one platform. The Fire Department has been using this company for three years. This will provide each department with the safety training they need for their department. It will improve the liability insurance. The cost of the Contract is \$19,700 and will be split between all Departments. The Utilities Board will approve this at their meeting on Tuesday.

Attorney Patrick Lyp stated he has reviewed this Agreement and recommends approval.

Motion: Mayor Murphy moved to approve the Target Solutions Training Platform Agreement, seconded by Steve Poulos and so approved with a 2-0 vote.

Citizen Requests

- Lakeshore PAWS Pub Crawl taking place on July 31, 2021 beginning at 5:00 pm;
- Hilltop House Community Block Party taking place on July 10, 2021 from 11:00 am–4:00 pm.

Motion: Steve Poulos moved that the citizen requests as presented be approved, seconded by Mayor Murphy and so approved with a 2-0 vote.

Public Assembly – Justice for Noah Beller and his family

Attorney Patrick Lyp requested approval of a Public Assembly Form from Mia Berdine for Justice for Noah Beller and his family. The request is to assemble on April 23rd beginning at 3:00 p.m. The Police Department has been in contact with Mia Berdine. They will be assembling on the Courthouse Square.

Motion: Steve Poulos moved to approve the Public Assembly Form for Justice for Noah Beller on April 23rd from 3:00 p.m. until 5:00 p.m., seconded by Mayor Murphy and so approved with a 2-0 vote.

Brooks Development – Draw #3

Mike Jabo requested approval of Draw #3 in the amount of \$1,683,818.74. The Utility Board will have this before them for approval at their next meeting. The Engineering Department has reviewed the documents and recommends approval. Attorney Lyp stated there have been two amendments to the original Agreement with the Developer. The developer has not signed the second Amendment to Agreement. Attorney Lyp stated he does not see a legal conflict of interest with Steve Poulos voting on this today.

Motion: Steve Poulos moved to approve Draw #3 for Brooks Development in the amount of \$1,683,818.74 subject to approval by the Utility Board and the Developer signing the second amendment to the Agreement, seconded by Mayor Murphy and so approved with a 2-0 vote.

Fire Department – Medicaid Reimbursement

Chief Dutz requested approval to submit to the State of Indiana for Medicaid reimbursement for 2020 expenses.

Motion: Steve Poulos moved to approve letting the Fire Department submit to the State of Indiana for Medicaid Reimbursement for the year 2020, seconded by Mayor Murphy and so approved with a 2-0 vote.

There was no further business and the meeting was adjourned.